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CLERK SUPREME COURT

IN THE SUPREME COURT

STATE OF ARIZONA

MICHELLE ANNE EGAN,

Petitioner,

v.

HON. ELAINE FRIDLUND-
HORNE, JUDGE OF THE
SUPERIOR COURT OF THE
STATE OF ARIZONA, IN AND
FOR COUNTY OF COCONINO,

Respondent.

And

THERESE MARIE HOCHMUTH,

Respondent Real Party in
Interest.

Supreme Court

No. CV-09-0133-PR

Court of Appeals

No. 1 CA-SA 08-0240

Coconino County Superior Court

No. DO 2008-0205

**MOTION TO FILE BRIEF OF
AMICUS CURIAE BY NATIONAL
ASSOCIATION OF SOCIAL
WORKERS, NATIONAL
ASSOCIATION OF SOCIAL
WORKERS ARIZONA CHAPTER,
OUR FAMILY SERVICES, PIMA
COUNTY MEDICAL SOCIETY
AND PIMA COUNTY PEDIATRIC
SOCIETY**

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July 6, 2009

The National Association of Social Workers, the National Association of Social Workers Arizona Chapter, Our Family Services, the Pima County Medical Society and the Pima County Pediatric Society (collectively "*Amici*") hereby move this Court, pursuant to Rule 16 of Arizona Rules of Civil Appellate Procedure, for permission to file the brief of *amicus curiae* lodged herewith in support of the Petition for Review filed by the Real Party in Interest, Therese Marie Hochmuth on May 12, 2009. This Motion is supported by the following Memorandum.

SUPPORTING MEMORANDUM

This Court should normally grant a motion to file as *amicus curiae* "when the amicus can provide information, perspective, or argument that can help the Court beyond the help that the lawyers for the parties have provided." Ariz. R. Civ. App. P. 16 cmt. to 1998 amends. *Amici* are uniquely situated to assist this Court in that regard because they are organizations that participate in and support the role of caregivers in the lives of children.

Amici have read the petition for review and opposition to petition for review filed in this case and believe they can provide additional substantive arguments in support of the petition for review. *Amici* urge this Court to reverse the court of appeals in this matter and find that Ms. Hochmuth meets the requirements for status as *in loco parentis* and accordingly is entitled to visitation.

The National Association of Social Workers (“NASW”) was founded in 1955 by the merger of seven predecessor social work organizations. It is the largest membership organization of professional social workers in the world, with 145,000 members and 56 chapters throughout the United States and abroad. The Arizona Chapter of NASW has 1,872 members throughout the State. In furthering its purpose of developing and disseminating high standards of practice while strengthening and unifying the social work profession as a whole, NASW establishes and maintains professional standards of practice, advances sound social policies, and provides services that protect its members and enhance their professional status. NASW also conducts research; publishes studies of interest to the profession; produces journals, books, and major reference works for the profession; provides continuing education; sponsors professional conferences; and enforces the NASW Code of Ethics. Certification and quality assurance are promoted through the Academy of Certified Social Workers, the Qualified Clinical Social Worker, and the Diplomate in Clinical Social Work, as well as specialty practice credentials. NASW has participated in numerous court cases involving mental health, social science, family and discrimination issues, and is deeply committed to providing scientific information to help inform the courts on issues of importance before them.

Our Family Services provides a continuum of services to thousands of at-risk children, youth, families, seniors and disabled adults in Pima County. Its services include counseling, youth and community services that help families, co-workers and neighbors find solutions to disputes without going to court, and services for older and disabled adults to help them live with dignity and independence. Our Family Services has a history of more than seventy-five years of service in southern Arizona and is a \$4.4 million organization with ninety employees, as well as many volunteers. It is accredited by the Council on Accreditation of Services for Families and Children and licensed as a behavioral healthcare institution by the Arizona Department of Health Services.

The Pima County Medical Society is an organization of physicians in Pima County whose purpose includes providing unity and harmony in the medical profession in Pima County, bringing together physicians for the purpose of maintaining high standards in the medical profession in Pima County, and conserving and promoting the public health.

The Pima County Pediatric Society is an organization of approximately eighty pediatricians in Pima County who meet every month to discuss issues important to the practice of pediatric medicine. The organization serves all of Pima County and provides education on pediatric topics as well as making its members aware of the various resources in the county.

For the foregoing reasons, *Amici* respectfully request that this Court grant its Motion and accept the brief lodged herewith.

July 6, 2009

Respectfully submitted,

PERKINS COIE BROWN & BAIN P.A.

By: 
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Certificate of Service

I certify that an original and seven copies of this Motion to File Brief of *Amicus Curiae* were filed on July 6, 2009 with the following:

Clerk of the Court
Arizona Supreme Court
1501 West Washington
Phoenix, Arizona 85007

I certify that one copy of this Motion to File Brief of *Amicus Curiae* was mailed on July 6, 2009 to the following:

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